

## **DLC FAQ's**

### **Covid 19 Risk Mitigation Plan**

*This is an evolving situation and we will update as needed. We would recommend our Agency partners  
Most recent updates will be noted in red.*

04/10/2020 4:00 PM

#### **PHOTO IDENTIFICATION CARDS**

Are photographic identification cards issued by Vermont Department of Motor Vehicles, valid after they expire for purposes of identification and age verification?

Per EO 20-01, Directive 3(2)(a), which states:

*“Effective March 13, 2020, license and registration renewals shall be extended for 90 days beyond their effective expiration date”.*

We have been Interpreting our General Regulation 13 and 7 V.S.A. § 589 in light of the EO to consider these “expired” licenses, as long as they are within the 90 day window, as valid.

Therefore, any photo identity document issued by the Vermont Department of Motor Vehicles will constitute a valid and acceptable identification document for up to 90 days past the expiration date.

#### **GOVERNOR PHIL SCOTT ISSUES A “STAY HOME, STAY SAFE” ORDER, DIRECTS ADDITIONAL CLOSURES**

<https://governor.vermont.gov/press-release/governor-phil-scott-issues-%E2%80%9Cstay-home-stay-safe%E2%80%9D-order-directs-additional-closures>

Can I use Vodka and other Liquor for sanitizing: No, to effectively sanitize the alcohol content must be at or above 60%, which is would be at least 120 proof. Ethyl grain alcohol is 190 proof, which is 95% alcohol and available by special request at the DLC, found here:

[https://802spirits.com/sites/spirits/files/documents/Form\\_FILLABLE\\_Grain\\_Alcohol\\_Purchase.pdf](https://802spirits.com/sites/spirits/files/documents/Form_FILLABLE_Grain_Alcohol_Purchase.pdf)

Please read the details and note the maximum quantity is 2-liter bottles per purchase.

The W.H.O. has a recipe and guidelines for producing sanitizer;

[https://802spirits.com/sites/spirits/files/documents/Form\\_FILLABLE\\_Grain\\_Alcohol\\_Purchase.pdf](https://802spirits.com/sites/spirits/files/documents/Form_FILLABLE_Grain_Alcohol_Purchase.pdf)

## AGENCY DELIVERIES

### What are the DLC plans for retail inventory replenishment deliveries?

Short of a mandated shutdown, the DLC will continue with inventory deliveries to our Agencies. DLC drivers will reduce contact with employees at each location.

## BEVERAGE CONTAINER REDEMPTION

Due to the anticipated spread of the COVID-19 virus and the current state of emergency declared by Governor Phil Scott, effective immediately the Vermont Department of Environmental Conservation (DEC) will temporarily stop pursuing enforcement action against retailers or redemption centers who fail to redeem beverage containers subject to Vermont's bottle bill law (10 VSA §1523).

The full document can be found here

<https://anr.vermont.gov/content/covid-19-and-redemption-vermont%E2%80%99s-bottle-bill-containers>

Due to the state of emergency and the above action by the DEC, the DLC delivery trucks will no longer be accepting the return of empty liquor bottles. This only affects the agencies that send bottles back on the DLC delivery trucks. Those that have their returns picked up by TOMRA are not affected at this time. This is effective 3/19/2020 until **5/15/2020** but is subject to change.

## RETAIL OPERATIONS

### What are the DLC expectations of our Agencies?

Agencies will notify the DLC prior to requesting changing their hours or requesting temporary closures.

### What are our expectations of DLC retail coordinators?

The retail coordinators will telework until **May 15, 2020** or further notice. They will be in contact with every Agent to discuss needs. Agents can reach out to retail coordinators with questions or store concerns.

**I am a Liquor Agency and need to modify my store hours, what is required before I change hours?** You must fill out the *3 16 2020 Hours of Operations change* form, which can be found on the Agency portal and submit it to your retail coordinator prior to changing your Agency hours.

**I am a liquor Agent and need to close my store temporarily, what is required?** As stated in your contract, if the Liquor Agency needs to close temporarily, you must fill out a "temporary closure form" which can be found on the portal under *2019 Temporary Closure form*. It should be submitted to Kim Walker for approval. Existing Policy here:

**FORCE MAJEURE:** *Any Agency will not be considered in breach of contract due to...*

*\*natural disasters (fire, floods, tornadoes, hurricanes)*

*\*unforeseen circumstances (sudden death, family emergency)*

*\*event which is beyond the reasonable control of the Agency owner/manager (terrorism, war, strike)*

*For performance of their contract obligations, excluding payment obligations.*

*If said events create a long-term closure of (21+ days), the DLL reserves the right to terminate the contract.*

***SHORT TERM APPROVED CLOSURE:*** *All requests for temporary closure, beyond the events listed above, must be submitted and approved by the DLL with at least one-month notice. Reasonable requests may include the following:*

*\*Parking lot maintenance and improvements*

*\*Building remodel (inside or outside)*

*\*Removal or installation of major equipment*

*\*Transition to new location*

*\*Maintenance or repair which may affect the safety of the consumers or employees*

*Closure will not be excused for closure due to general economic conditions.*

*Closure Approval Form can be found in the Retailer's Operations Manual Exhibits and the Agency Portal.*

*If said time frame is beyond DLL's approval, the DLL reserves the right to re-evaluate the Agency contract.*

***(EXHIBIT 20)***

## **CURRENT LICENSEES**

In order to comply with Governor Scott's Executive Orders during the Novel Coronavirus (Covid-19) pandemic, the Division of Liquor Control has made the decision to consider any license or permit that is valid as of April 30, 2020, **VALID AFTER EXPIRATION** beyond the expiration date of April 30<sup>th</sup>, 2020. **This requires a renewal form be completed and submitted prior to April 30, 2020 on the behalf of current valid license holders. No payment is required at this time.**

Please note, there are some 3<sup>rd</sup> class licenses (spirituous liquor) that expired at the end of September in 2019. Examples of these licenses include golf courses and other seasonal licenses that chose to only hold a partial year 3<sup>rd</sup> class license. These 3<sup>rd</sup> class licenses are currently expired and cannot be considered **VALID AFTER EXPIRATION**, as they are not valid at this time. These 3<sup>rd</sup> class licenses need to be renewed to serve spirituous liquor at on-premise locations.

Licenses meeting the above criteria will be considered **VALID AFTER EXPIRATION** until June 30, 2020 but may be extended as DLC may deem necessary or by an amendment of the executive order.

## **1<sup>st</sup> and 3<sup>rd</sup> Class Licensees per Executive order by Governor Scott**

*Addendum to EO 01-20: Effective Tuesday, March 17, 2020 at 2:00 p.m. and continuing in full force and effect until **May 15, 2020**, any restaurant, bar, or establishment that offers food or drink shall not permit on-premises consumption of food or drink; provided however, such establishments may continue to offer food for take-out and by delivery...*

**The entire Executive order Addendum can be found here:**

<https://governor.vermont.gov/content/addendum-2-executive-order-01-20>

**Are licensed “clubs” included in the Governors Executive order to close operations until May 15, 2020? Yes**

## **RETAIL DELIVERY of ALCOHOL to CUSTOMERS 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> Class Licensees**

### **5.c.iii has been Amended 3/25/2020 – as part of the delivery process**

5. For deliveries, the licensee shall be able to travel from town to town or from place to place carrying orders for delivery of any alcohol product they are licensed to sell and authorized to deliver hereunder without a delivery permit, provided the following conditions are met:

- a. The person making the delivery is at least 18 years old and is certified to sell or serve alcohol by the Board.
- b. All deliveries shall be in person to a physical building or residence.
- c. Licensees shall maintain an inspectable log of all deliveries made and such log shall at a minimum include:
  - i. Name of recipient and physical address in Vermont to where the product was delivered.
  - ii. How ID was verified.
  - iii. A signature of recipient at least twenty-one (21) years of age; **AMENDED; to ensure social distancing, the 21-year-old recipient will not be required to a sign.**
  - iv. Complete description of the product and quantity delivered.
  - v. Time of delivery.
  - vi. The name of the employee making the delivery.

**Please read the order for all class License details, amended late 3/20/2020**

<https://802spirits.com/covid-19-response/gubernatorial-directive-dlc-amended>

**As of 2:00PM 3/19/2020 an Executive Order was posted**

<https://governor.vermont.gov/content/directive-4-delivery-and-take-out-beverage-alcohol-department-liquor-and-lottery-pursuant-eo>

## **Additional questions regarding Executive Order Directive 4**

### **Does the beverage alcohol have to be in its originally packaged container?**

If the beverage alcohol was purchased by the licensee in a standard retail package and would typically be retailed at the establishment in that package it must also be retailed for off premise consumption in its original packaging.

If the beverage alcohol is purchased by the retailer in a package that typically requires that the product retailed in portions other than its entire quantity, then re-packaging is acceptable.

**Can we fill paper to-go cups?**

In the absence of packaging prohibitions paper cups are acceptable. The to go container must be sealed with a lid to discourage immediate consumption. Providing straws at the point of sale is prohibited.

**Can we do growler fills?**

Yes, as long as the growler is sealed when presented to the customer

**Can we reuse bottles?**

Yes, if the package could be defined as a beer growler

**Can we fill containers provided by the patron?**

Yes, if the package could be defined as a beer growler

**Can Licensees return alcohol products due to C-19? OR Do Consignment laws change due to Covid 19?** (see below excerpt from Retailers' Operations Manual)

**Return of distilled spirits by Licensees while licensee operations are affected by the Governor's Executive order.**

The DLC is maintaining its current policy on Licensee returns during this time, with the exception of extending the time frame to 30 days during the period that the executive order is in affect:

The DLC requires all return requests are sent to the Agent & The DLC prior to return. The DLC highly recommends the Agency set up an appointment for the return. With the approval of a DLC district coordinator, or Director of Retail, retailers can limit the number of items returned at one time.

***RETURNS: We recommend allowing customers, with a receipt, to exchange the unwanted product for another product of equal or greater value in the store. The customer must supply a valid receipt for the product that they wish to return from the Agency which they purchased the product, within 14\* days of purchase. An exception to the policy will be made when a customer returns a defective bottle of merchandise that is unpalatable and for which no replacement is available or wanted. Please contact your Area Coordinator with the information so we may dispose of the unsalable product properly.***

***The DLL will allow a 3<sup>rd</sup> class licensee to return spirits to a VT Liquor Agency under the following circumstances:***

- 1. The Licensee must first contact their Local Enforcement Investigator to notify them of their intent to return product.***
- 2. The Licensee is either, forced to cease operations due to an Executive order, going out of business or closing for the season.***
- 3. The Licensee is unable to sell their spirits to another 3<sup>rd</sup> class Licensee, for the same price purchased.***
- 4. To be eligible for return the product must be sealed, clean and able to be resold.***

5. *The licensee product must be returned within 30 days of original purchase, from the same Agency with a valid invoice/receipt. (make sure to clarify OSD (Inventory Adjustment) and a walk- in return)*
  6. All product must be new, clean, and unopened
  7. The Agency has discretion to decline the return based on unacceptable product condition.
- \*This has been adjusted to 30 days during this current state of emergency.

**Beer and Wine** – Wholesale distributors can agree to take back unopened, clean product for account credit. Returns are at the discretion of the wholesale distribution.

## **LICENSING/ LICENSEES**

Due to the COVID-19 pandemic, licensees have expressed concerns that they will not be able to have their currently valid liquor license renewed by the expiration date of April 30, 2020. The Department of Liquor and Lottery, Division of Liquor Control (DLL) recognizes these concerns and will implement a “Valid after Expired” status for any licensee that files with DLL an on-line application for renewal. (The application form is available at: <https://liquorcontrol.vermont.gov/content/licensing-renewal-intent-form>.) There is no renewal fee required at the time a licensee submits this form.

If a licensee completes and submits this form prior to April 30, 2020, its current license will continue in effect beyond the expiration date to a date that will be determined after the Governor’s COVID-19 Executive Order expires. Upon the expiration of the Governor’s Executive Order, the regular renewal process will resume.

If a licensee has any difficulties submitting the form, they may call DLL’s main office at 802-828-2339 for assistance. Please keep in mind that this phone is being answered remotely by one employee, meaning callers may be sent to voice mail. Leave a short message as to why you are calling, your name and a contact number at which DLL can call you back.

Alternatively, if a licensee chooses, it may submit the original renewal that was provided by the town clerk earlier this year, to the municipality, complete with payment. That must be done prior to April 27, 2020 to allow for proper notification that it was received by April 30, 2020. Once DLL is notified that the municipality has received the renewal, DLL will also place any such licensee on the Valid After Expired list.

### **Are we encouraging individuals to submit license renewals/applications via the mail?**

Most renewals are mailed from the respective cities and towns. New applications should be mailed at this time. We will update our website as the situation unfolds.

**Will the licensing office remain open during the duration of this?** We will continue to monitor the situation and strongly recommend that you call our office at 802-828-2339 with any questions.

**What will we do if mail delivery is interrupted?**

We will advise if that should become the case.

**Are we going to extend the licensing renewal time frame?**

No, however, there is currently a provision in place “valid after expiration” that allows the DLC to extend our renewal process time and would not put license renewals in jeopardy. **Please submit your renewals forms before April 30, 2020.**

**EDUCATION****Will the DLC continue to offer in-person training seminars?**

All seminars scheduled through **May 15, 2020** have been cancelled. **We will continue to monitor the situation and will schedule additional seminars once we are confident it is safe to do so.**

**Please check our Education site at <https://liquorcontrol.vermont.gov/education/seminars>** for a current listing of active and cancelled seminars as well as access to the online version of these seminars. We strongly encourage all licensees to take the DLL online version of the course to fulfill their training requirements during this challenging time. The online version can be accessed at our Education site at <https://liquorcontrol.vermont.gov/education/seminars> .

**Will I be notified if my seminar is cancelled?**

The assigned instructor will contact all registrants at the email and/or phone number provided to be sure they are aware of the seminar cancellation and their training options.

**What happens if I already registered and paid for an in-person training seminar?**

Registrants for cancelled classes may request a refund, transfer to an alternate seminar, receive a coupon code to access the online version of the course or be put on a waiting list for a rescheduled course in the original location or nearby town. Please contact us at (802) 828-2339 or email us at [DLC.EnfEdInfo@vermont.gov](mailto:DLC.EnfEdInfo@vermont.gov) to pursue any of these options.

**What happens if a seminar is not scheduled in my area prior to my license expiration?**

As we cannot predict if/when a seminar will be rescheduled in a specific area, we strongly encourage all licensees to take the online version of the course to fulfill their training requirements during this challenging time. The online version can be accessed at our Education site at <https://liquorcontrol.vermont.gov/education/seminars> . User support is available if you run into any difficulties by calling (802) 828-2339. For valid extenuating circumstances that would prohibit a person from taking the online version of the seminar, please contact us as soon as possible so that we can consider possible alternatives.